

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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LUIS ANTONIO ORTIZ OCHOA, *individually*
and on behalf of others similarly situated,

Case No.: 1:18-cv-09417

Hon. Judge Edgardo Ramos

Plaintiff,

NOTICE OF MOTION

-against-

PRINCE DELI GROCERY CORP. (D/B/A PRINCE
DELI GROCERY) and ABDO S. ANAM (A.K.A.
ABDO SALEH),

Defendants.

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PLEASE TAKE NOTICE that upon the annexed Memorandum of Law dated March 11, 2021, together with the supporting declaration of Joshua Levin-Epstein, Esq. and the exhibits annexed thereto, Defendants Prince Deli Grocery Corp. (“Prince Deli”) and Abdo S. Anam (“Mr. Anam”, and together with Prince Deli, the “Defendants”), by and through their attorney Levin-Epstein & Associates, P.C. will move this Court, the Honorable Magistrate Judge Edgardo Ramos presiding, for an order: (i) an award of attorneys’ fees¹, costs, and sanctions pursuant to: 28 U.S.C. § 1746, Federal Rules of Civil Procedure (“Fed.R.Civ.P.”) 26(g)(3), 37(c)(1), 28 U.S.C. § 1927 and the Court’s inherent authority, and (ii) to strike the Complaint filed on October 15, 2018 (the “Complaint”) of Plaintiff Luis Antonio Ortiz Ochoa (the “Plaintiff”) pursuant to Fed.R.Civ.P. 37(b)(2)(A), 28 U.S.C. § 1927 and the Court’s inherent authority; and (iii) for such other and further relief as the Court deems just and proper.

¹ Should the Court find favorably for Defendants, Defendants respectfully request an opportunity to submit billing records for Defendants’ attorneys’ fees and costs.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, must be served on or before April 9, 2021, and Defendants' reply must be served on or before April 16, 2021.

Dated: New York, New York
March 11, 2021

Respectfully Submitted,

LEVIN EPSTEIN & ASSOCIATES, P.C.

/s/ Jason Mizrahi

Jason Mizrahi, Esq.

Joshua Levin-Epstein, Esq.

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Attorneys for Defendants

Cc: All parties via ECF